



From: Nair, Alisha Marie S
To: Matt Kahn
Cc: Miller, Staci J; Parks, Jacquita; Hickson, Nina R.; Jeb Butler; Sarah Christy; Melody Walker
Subject: RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta
Date: Wednesday, August 18, 2021 12:30:43 PM
Attachments: image001.png

Mr. Kahn-

Thank you for your email.

Truly,



Alisha Marie S. Nair, Attorney
City of Atlanta Department of Law- Litigation Division
55 Trinity Avenue, Suite 5000 Atlanta, GA 30303
Office: (404) 546-4185
Fax: (404) 588-3239
AMNair@AtlantaGa.Gov

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From: Matt Kahn <matt@butlerfirm.com>
Sent: Wednesday, August 18, 2021 9:54 AM
To: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>
Cc: Miller, Staci J <SJMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Jeb Butler <jeb@butlerfirm.com>; Sarah Christy <sarah@butlerfirm.com>; Melody Walker <melody@butlerfirm.com>
Subject: [EXTERNAL] RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta
Importance: High

Ms. Nair,

With all due respect, the Court entered a scheduling order on March 2, 2021 setting the deadline for filing motions for summary judgment on May 3, 2021. [ECF No. 74]. Defendants filed their motion for summary judgment [ECF No. 89] and the Court denied the motion [ECF No. 110]. The Local Rules mandate that we file our pre-trial order and accompanying documents no later than thirty days from the entry of the order denying the motion for summary judgment, which is September 2, 2021.

We understand that Defendants intend to seek leave to file a motion for reconsideration. We will oppose any motion filed. However, until the Court enters an order, the Local Rules govern.

Defendants' putative motion would not be ripe until Plaintiff is afforded the opportunity to respond.

Since that opportunity to respond will fall on or after the deadline for filing the PTO, we request that the Defendants prepare their portion of the PTO, so the parties can jointly file the document as envisioned by the Local Rules.

As for your interpretation of LR 16.4(B)(20) and LR 43.1, we do not disagree. However, once the parties submit a PTO, the Court generally enters an order setting a trial date. Preparing these matters ahead of time, instead of scrambling at the last minute, will streamline the process, making trial easier for the parties and the Court.

Regards,

"The right word may be effective, but no word was ever as effective as a rightly timed pause." — Mark Twain

Matt Kahn

Butler Law Firm

10 Lenox Pointe

Atlanta, GA 30324

Main: 678-940-1444

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Facsimile: 678-306-4646

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From: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>

Sent: Wednesday, August 18, 2021 9:27 AM

To: Matt Kahn <matt@butlerfirm.com>

Cc: Miller, Staci J <SMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Jeb Butler <jeb@butlerfirm.com>; Sarah Christy <sarah@butlerfirm.com>; Melody Walker <melody@butlerfirm.com>

Subject: RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta

Mr. Kahn-

The City intends on filing motions with the Court. With that, we are unable to finalize our portion of the PTO. In cases where there is a pending motion for summary judgment the Court may in its discretion and upon request extend the time for filing the proposed pretrial order. As our motion for reconsideration is in direct relation to the motion for summary judgment, we intend to make such a request from the Court to extend our time for filing the proposed pretrial order.

Additionally, in compliance with LR's 16.4(B)(20) and 43.1, the City Defendants have until the date by which this case is first scheduled for trial to object to Plaintiff's deposition designations.

Truly,



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From: Matt Kahn <matt@butlerfirm.com>

Sent: Tuesday, August 17, 2021 6:34 PM

To: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>

Cc: Miller, Staci J <SJMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Jeb Butler <jeb@butlerfirm.com>; Sarah Christy <sarah@butlerfirm.com>; Melody Walker <melody@butlerfirm.com>

Subject: [Contains offensive language] [EXTERNAL] RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta
Importance: High

Ms. Nair,

I am writing to follow up on the Defendants' portion of the PTO, evidence objections, and deposition designations.

On 08/03/21, Plaintiff provided Defendants with Plaintiff's portion of the PTO and deposition designations for trial in the attached email. Notably, that was the same day the Court entered its Order on Defendants' Motion for Summary Judgment. Since the PTO, evidence objections, and deposition designations are due within thirty days of an order denying a motion for summary judgment, Plaintiff requested the professional courtesy of receiving Defendants' portion of the PTO, counter-designations, and evidence objections by August 17, 2021, and proposed a schedule for Plaintiff's counter-counter designations, if any.

The parties' pre-trial filings must be submitted in sixteen days on **September 2, 2021**. We request that that Defendants provide their portions as soon as practicable to allow time for Plaintiff to complete evidence objections and finalize the PTO and deposition designation report. If Defendants refuse to cooperate, we will have to file Plaintiff's portion of the PTO separately to remain in compliance with the Local Rules.

The authority for these deadlines is clear in the Local Rules and laid out below and in the attached email.

Regards,

"The right word may be effective, but no word was ever as effective as a rightly timed pause." — Mark Twain

Matt Kahn

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From: Matt Kahn

Sent: Wednesday, August 4, 2021 5:39 PM

To: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>

Cc: Miller, Staci J <SJMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Jeb Butler <jeb@butlerfirm.com>; Sarah Christy <sarah@butlerfirm.com>; Melody Walker <melody@butlerfirm.com>

Subject: RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta

Ms. Nair,

My email dated 08/03/21, which was attached to my previous email and is attached here again, lays out the applicable Local Rules.

- Rule 16.4 requires the PTO to be filed no later than 30 days from the entry of an order on a motion for summary judgment.
- Rule 16.6 requires the parties to file objections to the other party's evidence no later than 30 days from the entry of an order on a motion for summary judgment.
- Rule 16.6 requires the parties to file deposition designations no later than 30 days from the entry of an order on a motion for summary judgment.

The City may file its motions for reconsideration and to toll the filing of the PTO to which Plaintiff will file an opposition within 14 days. Because the Court might not grant the City's motion for reconsideration or the motion to toll the filing of the PTO, the parties must be ready to comply with their obligations under the Local Rules.

Plaintiff's portion of the PTO is within the attached email. If the City does not participate in the process, Plaintiff will file her portion separately. However, that is clearly what the Local Rules envision. We hope to receive the City's portion of the PTO by August 17, 2021, to allow adequate time to make objections to the City's evidence and make any necessary counter-designations or objections to the depositions.

Regards,

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Matt Kahn

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From: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>
Sent: Wednesday, August 4, 2021 5:31 PM
To: Matt Kahn <matt@butlerfirm.com>
Cc: Miller, Staci J <SJMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Jeb Butler <jeb@butlerfirm.com>; Sarah Christy <sarah@butlerfirm.com>; Melody Walker <melody@butlerfirm.com>
Subject: RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta

Mr. Kahn-

Thank you, the City also intends to file a motion to toll the filing of the pre-trial order. Further as previously mentioned, pursuant to the local rules, we will not be providing deposition designations or objections at this time unless you can point me to a reason showing a misreading of the rules.

Truly,



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From: Matt Kahn <matt@butlerfirm.com>

Sent: Wednesday, August 4, 2021 5:14 PM

To: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>

Cc: Miller, Staci J <SJMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Jeb Butler <jeb@butlerfirm.com>; Sarah Christy <sarah@butlerfirm.com>; Melody Walker <melody@butlerfirm.com>

Subject: [Contains offensive language] [EXTERNAL] RE: 1:20-cv-02514-TWT Griffin v. City of Atlanta

Dear Ms. Nair,

We urge the City to avoid further delay of this case. The Court has full discretion to deny a motion for summary judgment that fails to comply with the Local Rules. Further, we believe the evidentiary record – including the testimony from the City’s 30(b)(6) representatives – shows that a question of material fact exists for the jury’s consideration.

Regardless of such motion, under the Local Rules, the parties have an obligation to complete the pre-trial order, objections, and deposition designation within thirty days of the entry of an order on a motion for summary judgment. The filing of a motion for reconsideration does not toll that timeline or relieve the parties of their obligations under the Local Rules.

Accordingly, we request that the City complete its portion of the PTO and deposition designation by August 17, 2021, two weeks from yesterday. Plaintiff’s portion of the PTO and deposition designations are within the attached email sent yesterday at 8:53pm.

Regards,

“The right word may be effective, but no word was ever as effective as a rightly timed pause.” — Mark Twain

Matt Kahn

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From: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>

Sent: Wednesday, August 4, 2021 4:52 PM

To: Matt Kahn <matt@butlerfirm.com>; Jeb Butler <jeb@butlerfirm.com>

Cc: Miller, Staci J <SJMiller@AtlantaGa.Gov>; Parks, Jacquita <japarks@AtlantaGa.Gov>; Jordyn Holder <Jordyn_Dobbins@gand.uscourts.gov>

Subject: FW: 1:20-cv-02514-TWT Griffin v. City of Atlanta

Good afternoon Mr. Kahn and Mr. Butler-

While I do not believe this communication rises to the level of ex-parte communications, I wanted to forward this email to you in an abundance of caution. Also, this will put you on notice that the City does in fact intend on filing a motion to have the Court consider the merits of the motion for summary judgment.

Truly,



Alisha Marie S. Nair, Attorney
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From: Jordyn Holder <Jordyn_Dobbins@gand.uscourts.gov>
Sent: Wednesday, August 4, 2021 2:00 PM
To: Nair, Alisha Marie S <AMNair@AtlantaGa.Gov>
Subject: [EXTERNAL] 1:20-cv-02514-TWT Griffin v. City of Atlanta

Ms. Nair,

I spoke with the law clerk about this one and it sounds like you have a couple of options. You can either file a Motion for Reconsideration on the Order Denying MSJ or you can file a Motion for Leave to File another Motion for Summary Judgment.

Hope this helps!

Thanks,

Jordyn Dobbins Holder

Courtroom Deputy to the Honorable Thomas W. Thrash, Jr.
U.S. District Court
Northern District of Georgia
404-215-1555